



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY
DOCKET NO. 06-0003

IN THE MATTER OF THERESE A. HAMEL

DISPOSITION AGREEMENT

The State Ethics Commission and Therese A. Hamel enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On July 26, 2005, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Hamel. The Commission concluded its inquiry and, on February 9, 2006, found reasonable cause to believe that Hamel violated G.L. c. 268A.

The Commission and Hamel now agree to the following findings of fact and conclusions of law.

Findings of Fact

1. From February 1985 until March 2005, Hamel was the Chicopee assistant treasurer.
2. As such, Hamel served as the Treasurer's Office supervisor.
3. During her tenure as assistant treasurer, Hamel allowed friends and family to cash personal checks at the Treasurer's Office. Hamel then held these checks for significant periods of time without depositing them for payment. Hamel also allowed herself, friends, coworkers and family to take cash from the Treasurer's Office, leaving IOU's of up to \$1,000.
4. In December 2004, the State Police investigated Hamel's conduct.
5. In January 2005, Hamel repaid the City \$4,400 for monies she, her family, friends and co-workers had borrowed.
6. On March 15, 2005, an independent auditor's report as to Hamel's conduct found no cash shortages but criticized the actions at the Treasurer's Office.¹
7. On March 16, 2005, Hamel resigned under pressure.
8. On April 5, 2005, Hamel repaid the City \$110 in interest (based on a 5% annual interest rate for six months) on the \$4,400 that had been improperly borrowed.²

Conclusions of Law

9. As the Chicopee assistant treasurer, Hamel was an appointed municipal employee within the meaning of G.L. c. 268A.

10. General Laws, c. 268A, General laws, c. 268A, § 23(b)(2) prohibits a municipal employee from knowingly, or with reason to know, using her official position to secure for herself or others unwarranted privileges which are of substantial value and not properly available to similarly situated individuals.

11. As noted above, Hamel as assistant treasurer repeatedly allowed herself, family, friends and coworkers to cash checks at the Treasurer's Office without her office immediately depositing them and to take cash from the Treasurer's Office, leaving IOU's of up to \$1,000.

12. These check cashings and cash advances were unwarranted privileges not properly available to similarly situated individuals as personal banking services are not provided by the Treasurer's Office to the public.

13. These privileges were of substantial value because significant government funds were used to cash private checks without those checks being deposited for payment for extended periods of time, and the cash loans of up to \$1,000 were given on an IOU without the payment of interest.

14. By, as assistant treasurer, allowing such personal banking services to be conducted at the Treasurer's Office, Hamel used her official position to secure these unwarranted privileges for herself, family, friends and coworkers.

15. Thus, by allowing such personal banking services to be conducted at the Treasurer's Office, Hamel knowingly or with reason to know used her position as assistant treasurer to secure unwarranted privileges of substantial value that were not properly available to similarly situated individuals in violation of § 23(b)(2).

Resolution

In view of the foregoing violations of G.L. c. 268A by Hamel, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Hamel:

- (1) that Hamel pay to the Commission the sum of \$5,000 as a civil penalty for repeatedly violating G.L. c. 268A as noted above; and
- (2) that Hamel waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: February 28, 2006

¹ All held checks had been deposited, all IOU's cleared up, and any outstanding monies due had been paid. The audit recommended that the City no longer allow check cashing by employees; no IOU's be allowed; and that the City initiate the computerization of the Treasurer's Office with timely reports to the city auditor.

² The use of the Treasurer's Office for personal banking services was part of an ongoing practice; however, records demonstrate that these loans were repaid within six months. There is insufficient evidence demonstrating that there was ever an attempt to permanently deny the City of any funds.